



SO ORDERED.

SIGNED this 12 day of March, 2008.

A handwritten signature in black ink, reading "A. Thomas Small", is written over a horizontal line.

A. Thomas Small
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN RE:

CASE NO.: 07-02089-5-ATS

CHRISTOPHER SEAN MILLER
HEATHER BARNWELL MILLER

CHAPTER 13

DEBTORS

**ORDER ON JOINT MOTION FOR RECONSIDERATION OF ORDER,
RECONVERSION OF CASE TO CHAPTER 7, AND FOR SETTLEMENT AND
COMPROMISE OF CLAIMS**

This matter comes before the Court on the Joint Motion of John F. Logan as Chapter 13 Trustee, Joseph N. Callaway as former Chapter 7 Trustee, and Richard D. Sparkman as attorney for the Debtors in the above-captioned case, and together they hereby move the Court pursuant to Bankruptcy Rules 1017, 9019, and 9023 for entry of an order reconverting the case to Chapter 7 and approving the settlement and compromise of certain claims raised in this case. The motion was timely and duly filed and served. No objections thereto were filed. The relief sought appears to be in the best interests of parties in interest in the case, so the Motion is hereby allowed.

Based upon the foregoing, it is therefore ORDERED and DECREED:

1. The Court's order entered in this case dated January 7, 2008 converting the case from Chapter 7 to a Chapter 13 proceeding is amended to reconvert the case back to Chapter 7. Mr. Callaway is redesignated the Chapter 7 trustee, and Mr. Logan is discharged of his duties as Chapter 13 trustee and his bond cancelled. No new Chapter 7 Section 341 meeting shall be required.
2. Debtors shall pay the sum of \$15,000 to the Chapter 7 trustee for deposit in the case escrow account, and, upon receipt, the Chapter 7 trustee shall dismiss the adversary proceeding Joseph N. Callaway, Chapter 7 Bankruptcy Trustee for Christopher Sean Miller and Heather Barnwell Miller v. Christopher Sean Miller and Heather Barnwell Miller, AP number 07-00128-5-ATS (the "Discharge Case"), by filing a unilateral notice

of dismissal with prejudice therein.

3. Also upon receipt of the stated funds, the Chapter 7 trustee and Mr. Stephen Barnwell shall execute a Stipulation of Dismissal pursuant to Bankruptcy Rule 7041 in the adversary proceeding Joseph N. Callaway, Chapter 7 Bankruptcy Trustee for Christopher Sean Miller and Stephen Barnwell, AP number 07-00127-5-ATS, dismissing with prejudice all claims of the bankruptcy estate against Barnwell, and further providing that Mr. Barnwell shall hold an allowed unsecured claim for \$56,000 in the Chapter 7 case subordinated below all other timely filed and allowed general case claims and that he shall have no other claim; provided, however, that Mr. Barnwell and the Debtors may make such further claim arrangements between themselves as they may agree.

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